

GENERAL INFORMATION

Applicant: TenderCare Learning Center (User)
CCF2, LLC (Owner)

Location: 8040 Old Cedar Avenue South

Request: Conditional Use Permit for a day care facility

Existing Land Use and Zoning: Office Building; zoned Neighborhood Office (B-1)

Surrounding Land Use and Zoning: North – Office Building; zoned FD-2
South – Office Building; zoned B-1
East – Retail; zoned CX-2(PD)
West – Multi-Family Residential; zoned R-4 (AR-22)

Comprehensive Plan Designation: General Business

HISTORY

Planning Commission Action: 02/20/14 – Approved a Conditional Use Permit for an Adult Day Care Facility (Case #06613A-14).

CHRONOLOGY

Planning Commission 06/16/2016 – Public Hearing Scheduled

PROPOSAL

TenderCare Learning Center is proposing a day care facility as part of a multiple tenant 20,120 square foot building at 8040 Old Cedar Avenue. The day care would occupy approximately 5,300 square feet at the southwest tenant corner of the building. The facility would serve a maximum of 90 children ranging from infants to early school age with a maximum of 12 employees on-site at any given time. Hours of operation would be 6am – 10pm Monday through Friday, as well 9am – 10pm on Saturday and Sunday. An outdoor play area of approximately 3,000 square feet is planned along western boundary of the site. Creation of the play area would require removal of 14 parking stalls.

There is an existing adult day care center located in the northwestern tenant space of the building. The tenant space for the adult day care would be reduced to accommodate the proposed day care facility for children. The size of the existing adult day care would be reduced from 5,578 to 3,732 square feet and the number of allowed participants would be reduced from 90 to 45 clients. Staff for the adult day care will be reduced from a maximum of 15 to 10 staff

members on-site. The applicant noted at Development Review Committee (DRC) there will be no common shared space or interaction between the adult day care and proposed day care facility.

ANALYSIS

Day care facilities are allowed as a conditional use in the B-1 zoning district. As part of the review of a conditional use permit, staff performs a review of the proposed use and its relationship to the subject property according to performance standards of the City Code.

Code Compliance

When a new use is proposed within an existing building, staff reviews the use-driven site characteristics to determine Code-compliance. In this case, the most pertinent site characteristic is parking, as the site must have adequate parking levels to accommodate the proposed use of a day care facility. As shown in Table 1, the legally non-conforming parking lot provides 76 parking spaces, while City Code requires 75 spaces for the mix of uses at 8040 Old Cedar Avenue. The proposed use would have a Code-compliant amount of parking.

Table 1: Parking Analysis for 8040 Old Cedar Ave.

Use	Code Requirement	Required	Provided
Child Day Care (5,300 square feet)	1.2 spaces for each 10 participants based on the facilities licensed capacity, plus one space per caregiver on the maximum shift (Section 21.301.06)	Licensed for 90 participants and 12 staff members 23 spaces	Code Compliant 23 spaces
Adult Day Care (3,732 square feet)	1.2 spaces for each 10 participants based on the facilities licensed capacity, plus one space per caregiver on the maximum shift (Section 21.301.06)	Licensed for 45 participants and 10 staff members 15 spaces	Code Compliant 15 spaces
Medical Office (10,455 square feet)	One space per 285 square feet (gross area) (Section 21.301.06)	37 spaces	Code Compliant 38 spaces
TOTAL	-	75 spaces	76 spaces ¹ EXCEEDS CODE

1. The parking lot is legally non-conforming for parking lot islands and drive aisle width. Staff estimates compliance would reduce parking by six to eight spaces if Code compliant.

Regarding trash collection, City Code requires all trash and recyclables to be contained within the building. The subject property does have an internal trash room approximately 170 square

feet in size. Staff has reviewed the occupancy mix of the building and determined the trash room is large enough to accommodate the uses of the building. The finish schedule of the trash room must comply with the requirements of City Code (Section 19.51).

Food service for the day care facility would be prepared and delivered by a licensed caterer. The facility floor plan includes a kitchen to store and prepare the delivered food. All of the appliances and finishes within the kitchen must meet the Bloomington Environmental Health Division requirements. Staff added a condition requiring approval of the facility's food service plan by Environmental Health prior to occupancy.

The applicant is proposing minor changes to the exterior of the site. The exterior changes include the future installation of an outdoor play area and the restriping of two parking spaces immediately west of the building. The exterior changes require approval of Final Site and Building Plans, subject to the approval of the Conditional Use Permit. It should be noted that any play apparatus over four feet in height requires a 15-foot setback to side or rear property boundaries.

Landscaping, Screening and Lighting

Landscaping is a site characteristic where conformance to City Code is only triggered when the floor area on site is increased by 25 percent or more. Given that no expansion to the building is proposed, conformance to landscaping requirements is not triggered. As there are residential land uses to the west of the subject property, there is an approximate 15-foot landscape yard containing mature trees and vegetation along the west property boundary. This buffer area must be maintained.

According to the City's lighting ordinance (Section 21.301.07(c)(13)), a minimum of 2.0 foot-candles of illumination is required on parking surfaces for service oriented uses. A lighting plan was approved in 2014 at the time of the approval of a Conditional Use Permit for the adult day care use. The site was inspected and found to be in compliance with the approved plan.

Access and Circulation

The site has direct access to Old Cedar Avenue, a major collector road according to the City's Transportation Plan. The collector road can safely accommodate the anticipated levels of traffic generated by the proposed use. Two driveways to Old Cedar Avenue provide effective ingress/egress.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist. The Tier 2 TDM plan will need to be submitted prior to the issuance of a building permit for the internal changes to the structure.

Fire Preventions and Public Safety

A fire alarm system will be required. The type of fire alarm system will be determined based on occupancy type and the number of people working in the building.

Status of Enforcement Orders

There are no open enforcement orders for this property.

FINDINGS

Section 21.501.04(e)(1-5) Conditional Use Permits

(1) The proposed use is not in conflict with the Comprehensive Plan;

- The subject property is guided Office by the Comprehensive Plan. Day care facilities are conditional uses in the B-1 Zoning District. The proposed use is not in conflict with the Comprehensive Plan.

(2) The proposed use is not in conflict with any adopted District Plan for the area;

- The property is not located within an adopted District Plan area.

(3) The proposed use is not in conflict with City Code provisions;

- Subject to compliance with the conditions of approval, the proposed use meets all City Code requirements.

(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and

- The proposed use is not of a nature, scale, or intensity to create an excessive burden on parks, schools, or other public facilities and utilities. The subject property is immediately adjacent to a collector road, providing safe and efficient travel to the subject property.

(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- The daycare facility is proposed within an existing office building in a commercial zoning district. The western property boundary includes an approximately 15-foot landscape yard with trees and vegetation, providing some level of screening to the west. The operation of the proposed day care facility is

primarily contained to the office building, ensuring the use will not be injurious to the surrounding neighborhood. The proposed use meets the City Code requirements for day care facilities, ensuring that it will not harm the public health, safety and welfare.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal to the City Council is received by 4:30 p.m. on June 21st.

Staff recommends approval of the Conditional Use Permit through the following motion:

In Case #PL201600075, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for an approximately 5,300 square foot day care facility located at 8040 Old Cedar Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL201600075

Project Description: Conditional Use Permit for an approximately 5,300 square-foot daycare facility.

Address: 8040 OLD CEDAR AVE S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
4. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
5. Prior to C/O Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
6. Ongoing The Conditional Use Permit is limited to the space and use as shown on the approved plans in Case File #PL2016-75.
7. Ongoing Final Site and Buildings Plans are required for all exterior changes to the site.
8. Ongoing Development must comply with the Minnesota State Accessibility Code.
9. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
10. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.